

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W/S Windys Run Road, 63 ft. S		
Of the c/l of Caton Glen Road	*	ZONING COMMISSIONER
1 st Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
2002 Windys Run Road		
William J. Santo, et al	*	CASE NO. 99-178-A
Petitioners		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by William J. Santo and Janet L. Kirmil, property owners, for that property known as 2002 Windys Run Road in the Catonsville section of Baltimore County. The Petitioners herein seek a variance from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 11 ft. instead of the required 22.5 ft. for a deck, and to amend the last approved Final Development Plan for Lot No. 41 in Caton Glen. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition. for Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

ORIGINAL FILED FOR FILING


Date

By

11/20/98
[Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of November 1998 that the Petition for an Administrative Variance from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 11 ft. instead of the required 22.5 ft. for a deck, and to amend the last approved Final Development Plan for Lot No. 41 in Caton Glen, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR
BALTIMORE COUNTY

LES:mmm

11/29/98
BY [Signature]
CNC
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 18, 1998

Mr. William J. Santo
Ms. Janet L. Kirmil
2002 Windys Run Road
Baltimore, Maryland 21228

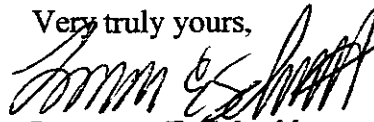
RE: Petition for an Administrative Variance
Case No. 99-178-A
Location: 2002 Windys Run Road

Dear Mr. Santo and Ms. Kirmil:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

Encl.

C David Billingsley
Central Drafting and Design, Inc.
601 Charwood Court
Edgewood, Md. 21040



**ADMINISTRATIVE VARIANCE
CLOSING DATE – NOVEMBER 13, 1998**

CASE NUMBER: 99-178-A

2002 Windys Run Road
W/S Windys Run Road, 63' S of centerline Caton Glen Road
1st Election District – 1st Councilmanic District
Legal Owner: William J. Santo & Janet L. Kirmil

Administrative Variance to allow a deck to be constructed with a rear yard of 11 feet instead of the required 22.5 feet and to amend the last approved Final Development Plan for Lot 41 in Caton Glen.

CASE NUMBER: 99-179-A

8 Chinook Court
E/S Winans Road, 77' +/- W of centerline Marriottsville Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Shirley A. Chandler

Administrative Variance to permit a fence adjoining a neighbor's front yard with a height of 6 feet in lieu of the permitted 3.5 feet.

CASE NUMBER: 99-180-A

14 Galetree Court
N/S Galetree Court, 509' W of centerline Old Spring Court
8th Election District – 3rd Councilmanic District
Legal Owner: Bernard LaHatte & Sue LaHatte

Administrative Variance to permit an addition with a setback of 27 feet in lieu of the required 30 feet.

****Closing Date is 11/13 instead of 11/16 as JCM used the wrong posting and closing dates – WCR said to use the closing date of 11/13.**



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2002 Windys Run Road

which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management AND 1801.2.C.1.b

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A to allow a deck to be constructed with a rear yard of 11 feet instead of the required 22.5 feet and TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR LOT NO. 41 IN CATON GLEN.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Having purchased the dwelling prior to the completion of lot grading, we have determined that the construction of the deck as requested will provide more functional private open space than the utilization of the yard area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

William J. Santo

(Type or Print Name)

Signature

Janet L. Kirmil

(Type or Print Name)

Signature

2002 Windys Run Rd. (410)788-0929

Address Phone No

Baltimore, Md. 21228

City State Zipcode
Name, Address and phone number of representative to be contacted

David Billingsley
Central Drafting & Design, Inc.
Name

601 Charwood Ct. (410)679-8719
Address Phone No

Edgewood, Md. 21040

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County and that the property be reposted

REVIEWED BY: Jim

DATE: 10/1/98

ESTIMATED POSTING DATE: 10/1/98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 132

99-178-A

178

Zoning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2002 Windys Run Road
address
Baltimore, Maryland 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See opposite Side

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William J. Santo
(signature)
William J. Santo
(type or print name)



Janet L. Kirmil
(signature)
Janet L. Kirmil
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

I HEREBY CERTIFY, this 20 day of SEPTEMBER, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WILLIAM J. SANTO & JANET L. KIRMIL

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/20/98
date

Cathy L. Fagglo
NOTARY PUBLIC

My Commission Expires: 6/8/99

Cathy L. Fagglo, Notary Public
Baltimore County
State of Maryland
My Commission Expires June 8, 1999

A 271-PP

Affidavit in support of Administrative Variance

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City State Zip Code

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William J. Santo
(signature)
William J. Santo
(type or print name)



Janet L. Kirmil
(signature)
Janet L. Kirmil
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of SEPTEMBER, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WILLIAM J. SANTO & JANET L. KIRMIL

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/20/98
date

Cathy L. Faggio
NOTARY PUBLIC

My Commission Expires:

6/8/99

Cathy L. Faggio, Notary Public
Baltimore County
State of Maryland
My Commission Expires June 8, 1999



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at

2002 Windys Run Road

which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A to allow a deck to be constructed with a rear yard of 11 feet instead of the required 22.5 feet and TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR --
LOT NO. 41 IN CATON GLEN.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Having purchased the dwelling prior to the completion of lot grading, we have determined that the construction of the deck as requested will provide more functional private open space than the utilization of the yard area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

William J. Santo

(Type or Print Name)

Signature

Janet L. Kirmil

(Type or Print Name)

Signature

2002 Windys Run Rd. (410)788-0929

Address

Phone No

Baltimore, Md. 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted

David Billingsley

Central Drafting & Design, Inc.

Name

601 Charwood Ct. (410)679-8719

Address

Phone No

Edgewood, Md. 21040

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: Jim

DATE: 10-22-98

ESTIMATED POSTING DATE: 10-28-98



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on Recycled Paper

ITEM #: 132

99-178-A

178

ZONING DESCRIPTION
2002 WINDYS RUN ROAD

132

Beginning at a point on the west side of Windys Run Road (50 feet wide) at a distance of 63 feet south of the center-line of Caton Glen Road (40 feet wide), thence being Lot 41 in the subdivision of Caton Glen as recorded in Baltimore County Plat Book 67 Folio 124. Containing 0.138 acres of land more or less. Also know as 2002 Windys Run Road and located in the First Election District, First Councilmanic District.

178

99.178-A

7-83
11-20

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

178

No. 060732

DATE 10.22.98

ACCOUNT

Poc 16150

AMOUNT \$

100.00

RECEIVED FROM:

W. SANTO

2002 Winter Fund

FOR:

(cont) Al. Van. 1st Annual

PAID RECEIPT

PROCESSED 10/23/1998

10/23/1998 10/22/1998 14:25:56

REF 0505 CASHIER LND 1 XS DRGDET

5 MISCELLANEOUS CASH RECEIPT

RECEIPT H 079892

CH NO. 060732

100.00 CASH

BALTIMORE COUNTY, Maryland

99-178-A

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Sum

CERTIFICATE OF POSTING

RE Case No 99-178-APetitioner/Developer W SANTO9/ DAVE BILLINGSLEYDate of Hearing/Closing 11/13/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

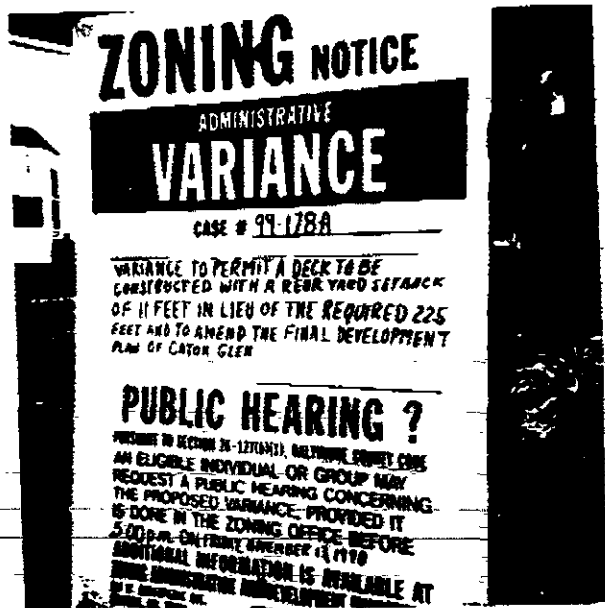
Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 2002 WINDY RUN RD.

The sign(s) were posted on

10/25/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 11/4/98
(Signature of Sign Poster and Date)PATRICK M. O'KEEFE
(Printed Name)523 PENNY LANE
(Address)HUNT VALLEY, MD. 21030
(City, State, Zip Code)410-666-5366 ; CELL 410-905-8571
(Telephone Number)2002 Windy Run Rd

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 132 178
Petitioner: WILLIAM J. SANTO
Address or Location: 2002 WINDYS RUN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM J. SANTO
Address: 2002 WINDYS RUN ROAD
BALTO, MD 21228
Telephone Number: (410) 788-0929

Revised 2/20/98 - SCJ

99-178-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 178 -A Address 2002 Windys Run Rd.
Contact Person: J. Meppan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10.22.98 Posting Date: 10.28.98 Closing Date: 11.13.98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 178 -A Address 2002 Windys Run Rd.
Petitioner's Name W. SANTO Telephone (410) 788-0929
Posting Date: 10.28.98 Closing Date: 11.13.98
Wording for Sign: A VARIANCE
To Permit A DECK TO BE CONSTRUCTED WITH A REAR YARD
SETBACK OF 11 feet IN LIEU OF 22.5 ft. AND
TO AMEND THE FINAL DEVELOPMENT PLAN OF CATON GLEN.

APPROVED SIGN POSTERS

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Baltimore, MD 21784

Telephone: (410) 781-4000
Toll Free: (800) 368-2295
Fax: (410) 781-4673

Richard Hoffman
904 Dellwood Avenue
Fallston, MD 21047

Telephone: (410) 879-3122

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: (410) 242-4263
Mobile: (410) 382-4470

Tom Ogle
325 Nicholson Road
Baltimore, MD 21221

Telephone: (410) 687-8405
Mobile: (410) 262-8163
Fax: (410) 687-4381

Patrick M. O'Keefe, Sr.
523 Penny Lane
Hunt Valley, MD 21030

Telephone: (410) 666-5366
Cell: (410) 905-8571
Fax: (410) 628-2574
(410) 882-2469

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 7/2/98

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: November 9, 1998

FROM: *Rob* Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 9, 1998
 Item Nos. 171, 172, 173, 174, 175,
 177, 178, 179, 180

 The Bureau of Developer's Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley *RBS/48*
Permits and Development Review
DEPRM

DATE: *11/12/98*

SUBJECT: Zoning Advisory Committee
Meeting Date: *11/21/98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: *171* *179*
172 *180*
175
177 *99-131-A*
178

RBS:sp

BRUCE2/DEPRM/TXTS8P

RECEIVED NOV 13 1998

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2002 WINDYS RUN ROAD

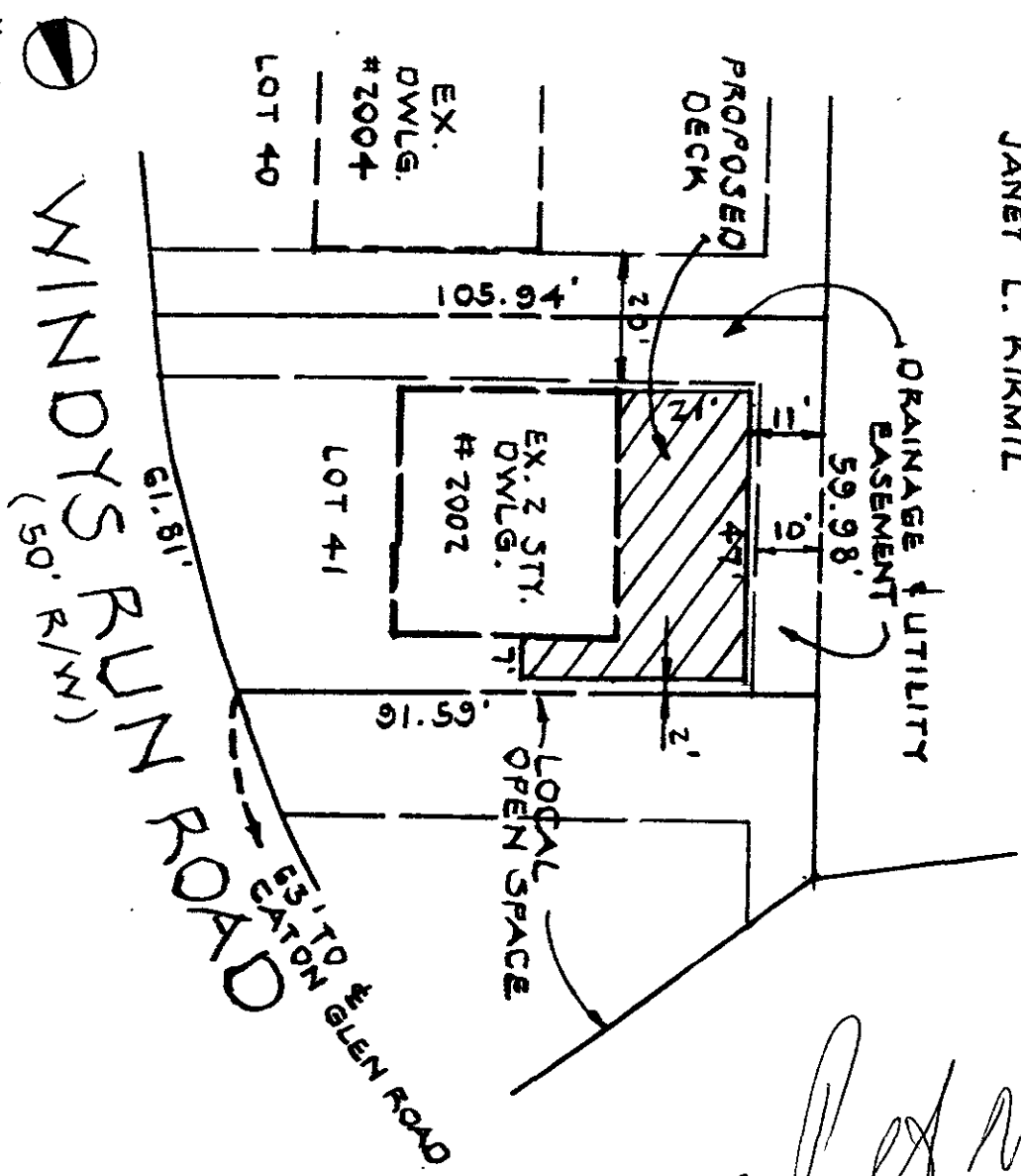
Subdivision name: CATON GLEN

plat book # 67, folio # 124, lot # 41, section #

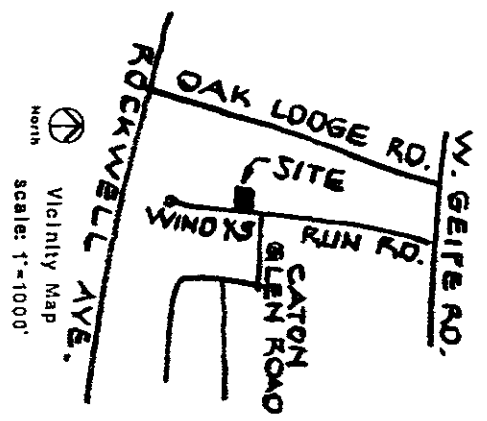
OWNER: WILLIAM J. SANTO AND JANET L. KIRMIL

see pages 5 & 6 of the CHECKLIST for additional required information

Ref No 1



North
date: 9-3-98
prepared by: DWB Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Election District: 1
Councilmanic District: 1

1"=200' scale map#: SW 2-H

Zoning: OK 5.5

Lot size: 0.138 6011
acres square feet

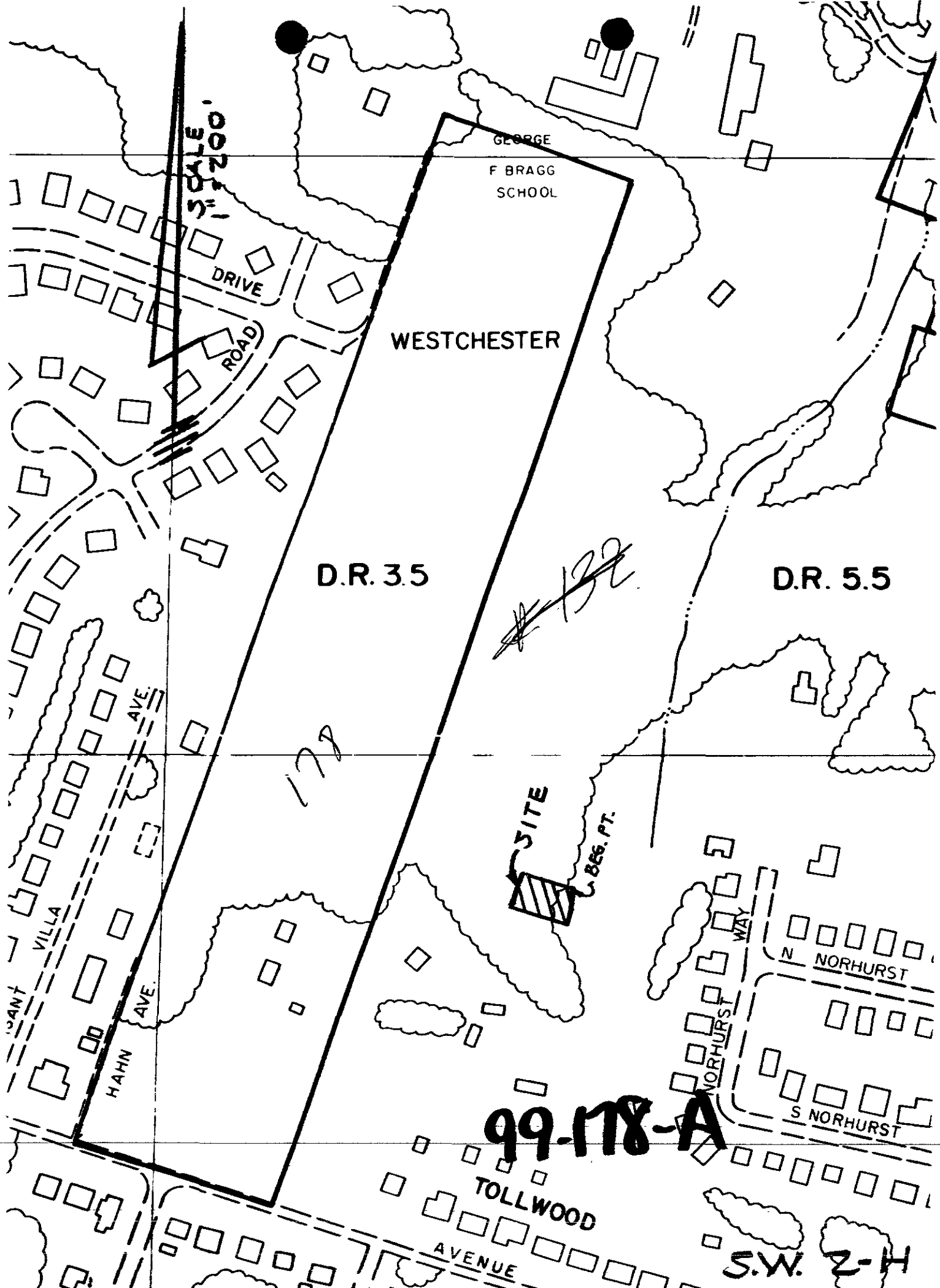
SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: JL ITEM #: 178 CASE#:

178

99-178-A



GEORGE
F BRAGG
SCHOOL

WESTCHESTER

D.R. 3.5

D.R. 5.5

SITE

866. FT.

99-178-A

TOLLWOOD
AVENUE

S.W. 2-H

N. NORHURST

S. NORHURST

SCALE
3" = 200'

DRIVE

ROAD

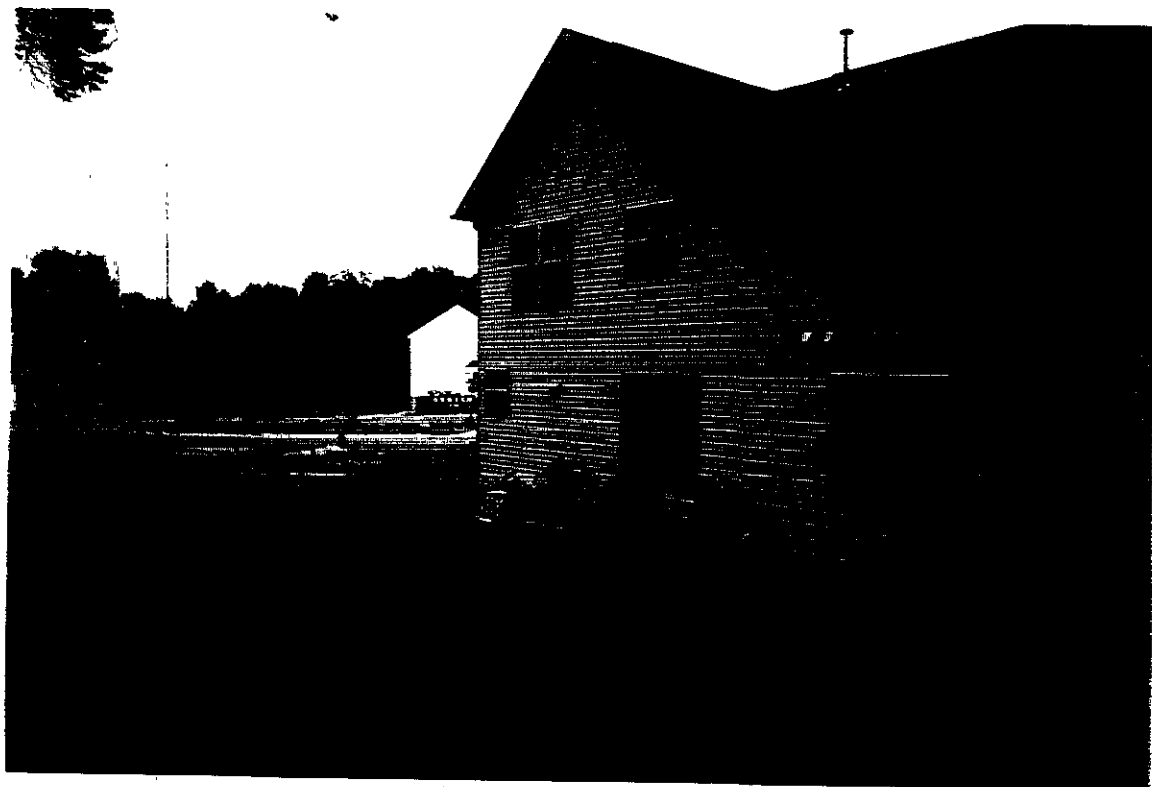
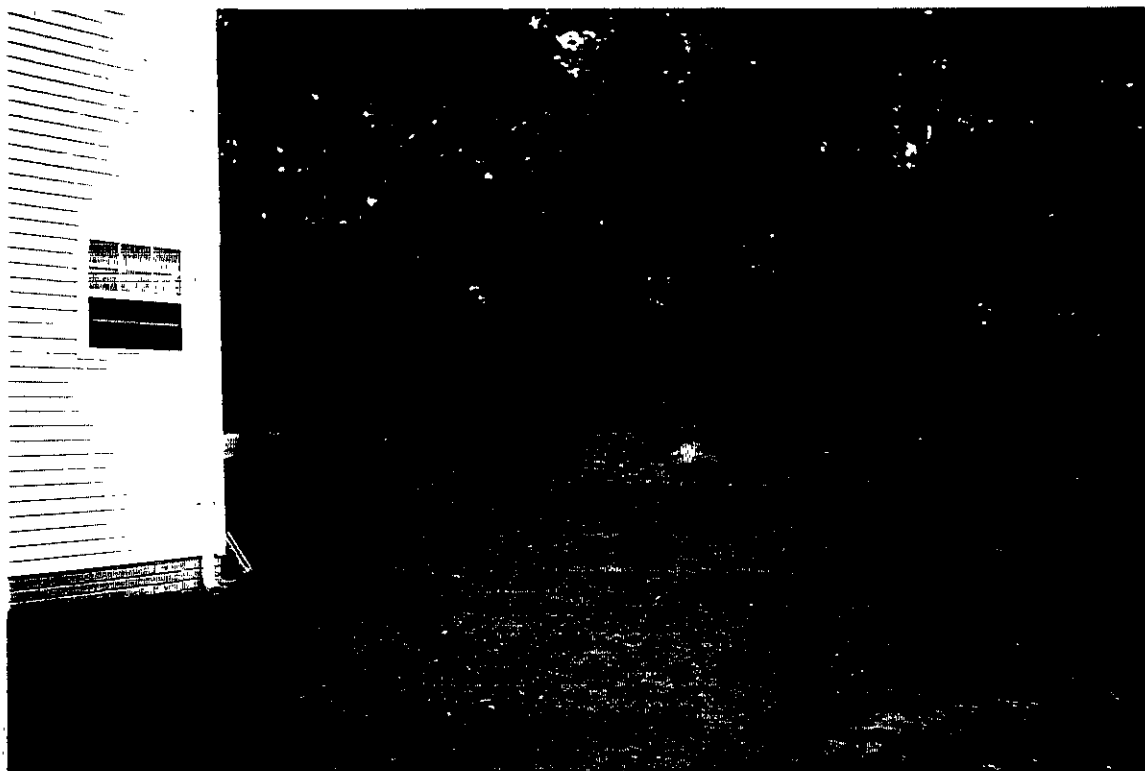
AVE.

AVE.

HAHN

VILLA

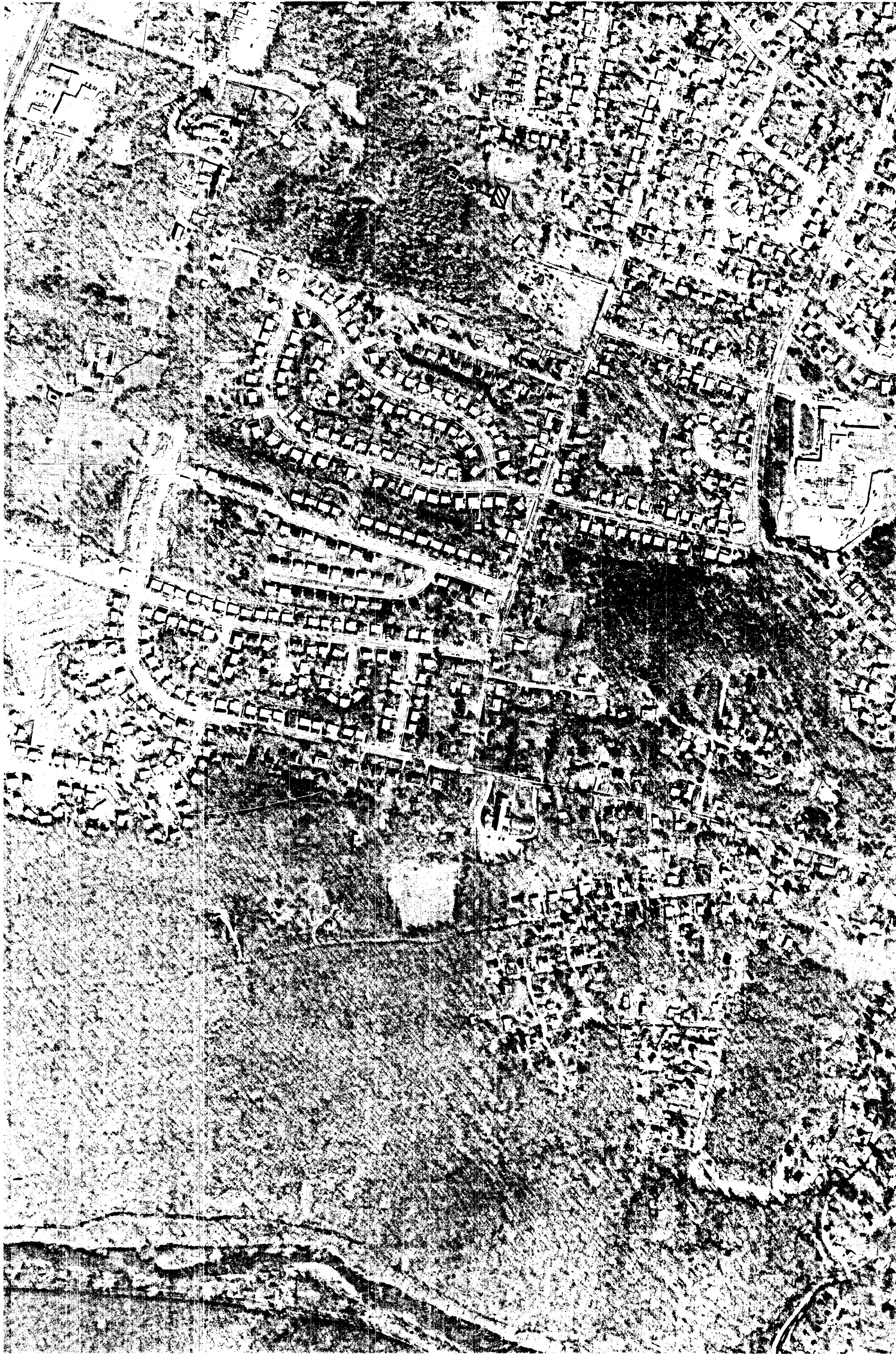
DRIVE



99-178-A



99-178-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986		WESTCHESTER 178	SW 2-H 99-178-A